ΚΑΤΑΔΥΝΑΣΤΗΣ:

MIGHT OVERCOMING RIGHT.

OR

A CLEER ANSWER

to M. *JOHN GOODWIN's*

MIGHT and RIGHT well met.

Wherein is cleared,

That the Action of the Army in secluding many Parliament men from the place of their discharge of Trust, and the imprisoning of some of them,

Is neither defensible by the rules of solid Reason, nor Religion.

By *John Geree M. A.* and Pastour of *Faith's* under *Pauls* in *LONDON.*

Help Lord, for the godly man ceaseth; for the faithfull fail from among the children of men. Psal. 12. 1.

Ferenda est magis omnis necessitas, quàm perpetranda est aliqua iniquitas, *August. in Psal. 72.*

Non enim mihi est vita mea utilior, quàm animi mei talis affectio, neminem ut violem commodi mei gratiâ, *Cicero. lib. 3. Offic.*

Published by Authority.

LONDON, Printed for *Robert Bostock* at the King's Head in *Paul's* Church-yard. 1649.

XUM

TO THE
Right Honourable LADIES,
THE
LADY VERE,
AND THE
LADY FAIRFAX
Her DAUGHTER:
GRACE and *PEACE.*

Right Honourable, and
Religious LADIES:

IT is not any acquaintance with your Honours, that imboldens me to this dedication, for I am a ſtranger to you: nor yet your deſerved fame for your eminency, and ſincerity, in Religion, though that be ſo illuſtrious that it might ingage Godly Miniſter to be ambitious of your Patronage; But that aſſurance that I have, that both your Ladyſhips are affectionately ſerious againſt thoſe irregular ways that I implead, and the ſervice you may do to God by your intereſt, in the furthering the acceptance of my poor labours to

be effectuall, where they may be of most use: for the Medicine I administer is somewhat unpleasing, and harsh, and therefore needs the hands of Ladies for the application. And what Ladies can do it with more acceptance then your Ladiships; one of which cannot but be greatly respected, because the other, that first lay in her wombe, now lies in the bosome, of the chieftain Generall of those, whose actings, this Treatise doth concerne. (Madam (for now I apply my speech to your Ladiship who hath been an ancient mother in our Israel) After the way that hath been called Puritanisme have I served the God of my fathers for *somewhat* above 33 yeares. *And yet I beleeve by the same, that I have heard of your Ladiship, your Ladiship was spiritually in Christ long before me. And I may say as* S. Paul (*with a little alteration*) that after the strictest way of that Religion I lived, *and tasted deep for many years together, of such afflictions as either Chancelours Courts, or high Commission, were used to impose on men of my principles, and yet the dayes I see, and am like to see (unlesse the God of heaven graciously interpose) are far more dolefull then any yet that I have seen,* For there is a mourning that is blessed, for it shall end in comfort, *and such was that which then I met with, when* my heart was smitten and withered like grasse, and by reason of the voyce of my groaning, my bowels did cleave to my skin, and I was pale with fasting, while mine enemies reproached me all the day; and there is a laughter, and triumphing; which hath a wo denounc'd upon it, because it shall end in mourning and weeping. Luk. 6. 21. 25. *And such is the joy and triumph in these dayes in successe in irregular ways. O Madam had such ways as are now in agitation been proposed to your dearly respected friend old.* * Mr. Bifield, *with what an eye would he have*

* See *Bifield* on 1 *Pet.* 2. 13. where among other there is this passage. The Jesuites who maintain that horrid doctrine of deposing and murthering Princes, are rather to be confuted with strokes, then arguments, as men that offend not only against the lawes of God, but the lawes of nations, and nature.

have looke upon them? Or let us suppose when our ancient worthies such as Cartwright, Traverse, Dod, Bradshaw &c. *being calumniated by the Prelates for disrespect to authority, for not conforming to unlawfull ceremonies, have replied that they did ascribe as much honour, and teach as much subjection to Magistrates as any in things lawfull and in things unlawfull, they shewed their respect by patient submission to suffering: Or when our Godly Polemicall divine, such as* Jewell, Reynolds, Whitaker, &c. *have rejected that false pretence of the Papist, that the Primitive Christians were so subject to the heathen Emperours,* quia deerant vires temporales, because they wanted temporall strength; *suppose I say, some one of the worst of Prelates or Jesuites, should have bespoke them, O ye hypocrites, or false hearted men, how do you dissemble with us, or let your hearts deceive you! for if ever you be Masters of power, yee will trample under your feet all above you, that will not comply with you, yea you will imprison, attaint, murther your King; would our worthies have returned with losse indignation, and acrimony then* S. Paul *to* Elymas? O full of all subtilty, and mischief, O Children of the Devill, you enemies of righteousnesse, will you not cease to pervert the wayes of the Lord? Act. 13. 10. *And yet behold a generation risen up, who for the most part, have not known the* brick-kilnes *of Egypt that if they had so accused our worthies, would by their actions have made them true Prophets.* Oh Madam, *let us sit down and weep over our* Religion, *which these men have* ravish'd and done her shame, and we whether shall we cause her shame to go? *How shall we now looke Papists in the face? whom we have so reviled, and abhorred for their derogatory doctrine, and damnable practices against Kings, or any in supreme authority?*

What

What shall we do with the Writings of our Worthies, shall we give over reading, as the manner of some is? or learn another trick of the Papists, and get an Index Expurgatorius *to blot out of their writings such passages as cry guilt and shame on our actions? But affection hath almost made me forget the bounds of an Epistle. Therefore honorable Ladies, go on with assiduity, constancy, and increasing fervor to with-draw him (whom you so dearly respect) from society in actions so contrary to the honour of God and our Religion. Oh study, that it may never be said, That any person of Honor, and of the Protestant Religion, had any hand in so unworthy an action, as the deposing and destroying of a King, whose preservation they stand bound to endevor by so many sacred Bonds. So shall your Ladiships do an office pleasing to God, Honorable to your relations, an ornament to your Religion, and unspeakably usefull for your Native Country. And if as a poor means thereof, you shall present one of these poor Treatises to his Excellency, written on purpose to dispell those mists that a deceived Brother hath endevoured to cast before his eyes; your Ladiships shall deeply engage to be your Ladyships daily Orator at the throne of Grace*

From my Study in Ivie-lane, Jan. 15. 1648.

Madams,

Your Ladiships humble Servant
in the LORD JESUS,

JOHN GEREE.

ΚΑΤΑΔΥΝΑΣΤΗΣ.

Might overcomming Right.

The PREFACE.

THe *foulest* actions alwayes borrow fair pretences. If the *Devill* did not transforme himself into an *Angel* of light, who would be seduced by him? Hence those that would overthrow all, or usurpe authority themselves, have alwayes pretended (though seldom or never promoted) publike weal or liberty: and dub'd those Magistrates Tyrants, whom they meant to oppresse, to still their own consciences, (if they be not arrived at past feeling) and to bleare the eyes of those, who bear an awfull respect to that ordinance of God, *Authority*. And never were there any pretenders so far out of reason, but they had some *Lawyers* to justifie their proceedings in *foro humano*, and some *Divines* to plead their warrant from holy writ. For amongst multitudes either through want of wit or honesty, there have alwayes been found abettours to a prevailing faction. Of all the exorbitances that ever were committed against men in authority, I know no parallell (all circumstances considered) to that late one of the Army towards the Members of the House of Commons, violently secluded, or forcibly restrained by the intrusted power of a few, from discharging their trust committed to them, by severall whole *Shires* and *Burroughes*. And yet behold a *Divine* of note with much confidence pleading their cause, to be so equitable, as though it were not to be stumbled at by any not profoundly ignorant, either of the evill of oppression, or the unquestionable means of shaking it off. But confidence in a dubious case doth argue either great shallownesse, or deep prejudice arising either from doteing affection, or unworthy interest: What hath dazeled the eyes of this *Champion* of the *Army*? I know not; But in reading I have observed in him, what I have often in other controversies in others; That men of strong reason in maintaining erours, have showed themselves so irrationall, that a man would wonder, that they

they that are ſo acute, where they preach,or defend truth, ſhould diſcover ſuch weakneſſe in the patronage of errour. But he that gives the gift may well blaſt it, when he ſees it turn'd againſt himſelf. Now that we may not accuſe only (as he hath done the Parliament Members) but make good the errour objected, let us take into conſideration what he hath ſaid to the controverſie in hand.

CHAP. I.

AND here firſt of all the queſtion muſt be rightly ſtated, or elſe there can be no accurate reaſoning, but we ſhall ever and anon fall into the fallacy *ex ignoratione Elenchi*. Now the caſe I conceive may be thus impartially ſtated: This Kingdom having bin long imbroyled in an unnaturall conſuming war, through a miſunderſtanding between the King & Parliament: The King at laſt fell into the Parliaments power, all his ſtrength being broken by them. While the King is in this condition (after many other overtures uſeleſſe, and experience of the diſcontent of the Nation, both for want of ſettlement; and the ſad condition of their King) There is ſet on foot a perſonall Treaty with the King: In which the Parliament demand of him conceſſion, and confirmation of ſuch priviledges, as from the beginning they thought conducible to render this people free, and happy, and were the ſumme of all that had been formerly demanded in any of their other treaties or propoſals, or had been held forth in their Declarations, as the ſcope of their undertakings. To this Treaty the far Major part of the Houſe of Commons agreed & that willingly, yea ſo far were they from being forct to it, (as it pretended) by petitions, that neither the impetuouſneſs of petitions from people, nor fear of ſouldiers piſtols, could make them relinquiſh it, for they were ſatisfied in their conſciences, that it was the faireſt, juſteſt, & moſt probable way to promote and ſettle the peace, & weal of a diſtreſſed Kingdom; ſo this Treaty is proſecuted till its very neer an happy concluſion. The Army (raiſed by, and deriving their millitary power from the Houſes) diſlike this Treaty, ſuppoſe it would indanger them, & a godly party in the land (ſo they ſtile their adherents.) This their judgment they remõſtrate to the houſe of *Commons*. The houſe not convinc'd by their reaſons, nor diſ-

maid

mayd at their power, laid aside their Remonstrance, hold on the Treaty, vote the Kings concessions to contain matter for a well grounded peace, the reupon the Army beset the passages to the House of Commons, take above forty of the Members of *Parliament* into safe custody, and violently keep or fright a major part out of the House, debarring them liberty of sitting, and voting there. This action of the Army *Mr. John Goodwin* undertakes to defend under the title of garbling the *Parliament*. And I yet beleeve, that it was a most irregular and scandalous usurpation, destructive to *Parliaments*, and so to the welbeing of this Kingdom, if not to the present ruine of it, unlesse it be retracted by the actors. And this I here undertake to make good against *Mr. John Goodwin*, by making good those arguments, which he would overthrow, and enlarging them as occasion is offered. *pag.* 2.

The first argument which he indeavours to answer, is; *Sect.* 2. *pag.* 3. '*From the Armies acting without sufficient authority, and so* '*transgressing that law which commands every man to keep or-* '*der and within the compasse of his calling. And this he stiles the* '*first born of our strength.* And you shall see that it is indeed like *Adaser*, a goodly child, if you view him in his right and full proportion, in mood and figure thus.

All exercise of jurisdiction, where neither by God or man we are clothed with authority, is usurpation, breach of order, injurious, and so greatly sinfull.

The Army in inhibiting the Members entrance into their House of Councell, and more grossly in imprisoning their persons, did exercise jurisdiction, where they were clothed with noe authority from God or man. Therefore

The Army in that force upon the Houses stand guilty of usurpation, breach of order, and injurie to the Members so used, and so sinned greatly.

The *Major* is undeniable; if men will grant there are such things as *usurpation, disorderly walking, and injury*, or that those are *sinfull* where ever they be. For what is *usurpation* if this be not for men to exercise jurisdiction over them who are not under their authority, nay to whose authority they are subject? What is *breach of ranke and order* if this be not, for men that are under authority to usurpe authority with-

out a call? And what is *injury* if this be not, to be haled to prison, by those that are neither authoritative judges of my fact, nor have any superiority over my person, and that only for acting according to the dictates of my conscience? And are not such abuses grosly sinfull, that doe as it were make void the fifth Commandment, and destroy Government?

And for the *Minor*, first its clear that the Army did exercise *jurisdiction* over the Members: for *suspension* from office, and *commitment* are high acts of *jurisdiction*. And if the Army were clothed with any authority for this, let them produce their patents that we may beleeve them, or else the conclusion is in force against them, *to convict them of usurpation, breach of order and injury.*

Sect. 3. *pag.* 3. But now what saith *Mr. Goodwin* to this? *As our Saviour 'saith. The Sabath was not made for man but man for the Sa- 'bath. So certain it is, that callings were made for man, and 'not man for callings. Therefore as the law of the Sabath was to 'give way to the necessities of men: so the law of callings &c. 'therefore unles it can be proved, that there was no necessity ly- 'ing on the Army to garble the Parliament; Their exceeding 'their callings, will not illegitemate their actions.*

Answ. 1. That saying of our Saviour, *that the Sabath was not made for man &c.* was not utter'd by him to show that the action of the Desciples in plucking, and eating the ears of corne, was warranted by necessity against the command of the Sabath, but that it was not within the prohibition of workes on the Sabath, which ordinarily is restrained to works of a civill or servile nature, not to naturall refreshment, which is alwayes indulged on the Sabath and so that work of mercy is not under the prohibition, for the plucking of the eares of corn, when they were n the field was no more then drawing drink out of a vessel and of this opinion is learned *Chemnitius. Hoc Christus ita defendit, ut simul ostendat extra casum contempus publici ministerii, et turbationis cultus sabati propter otium externum Sabati, hominem ne levi quidē incommodo afficiendum. By this Christ doth so defend his Desciples, as withall he shews that out of the case of contempt of the publike ministery, and disturbance of the worships of the Sabath,*

for

for the externall rest of the Sabath, a man is not to undergo the least dammage. So that in his judgement, though the other arguments shew, what is lawfull in case of necessity, so *à Majori* clears the disciples, yet this argument shews this was not in the prohibition of works on the Sabath.

2. The *rest of the Sabath*, and *keeping within our callings*, are *duties* we owe to God by vertue of commands of a far different condition: The *one* by a *command positive*, as that of the Sabath, the *other* by a *law naturall*, as the fifth commandment, that commands every one to observe their ranks, and duties in them. Now commandments that are *positive*, are to give way to duties *naturall*. *Sacrifice*, to *mercy*: The rest of the Sabath, not to the life only, but to the cheerfulnesse and welbeing of man; as the instance of the disciples, whowere not in danger of death if they had fasted a little longer, but of inconvenience. But I hope *Mr. Goodwin* will not judge, that danger of inconveniency, should make every man, or party of power, turn controulers of magistracy. Not onely *Uzziah*, that wantonly 2 *Chron.* 26. but *Saul* who out of *fear of inconveniencie*, 1 *Sam.* 13. 11, 12, 13, 14: yea and *Uzzah*, who as he thought was a case *of necessity*, put his hand without the call to the work of a *Priest*, aswell, as the former reproved, and smitten, 1 *Chron.* 13. 9. 20.

And if there be any case wherein necessity amounts to a calling, it must be where that necessity ingageth to a duty, that ought to take place before this Commandment for order amongst men, as that for saving life &c. And then the danger must be *apparent*, not *probable* onely to some and *disputable*; for else he shall run against an undoubted rule, upon an uncertain exception. 2. It must be *imminent*, so that no other means is left, or possible in an ordinary way. 3. And *illegall*, as when any, whether Magistrate or other, is about to act mischief to the persons of others without or against law. But if a mans life be in danger in a legal way, though unjustly, A man may not himself, nor ought others to resist autho rity armed with law, for that were to take away all honor and opportunity of Martyrdom. The servant who hath a froward unjust Master, is according to Christ's example to be patient, though he suffer unjustly committing

(a) 1 Pet. 2. 18, 19, 20, 21, 22, 23.

his cause to him that judgeth righteously, (a) though many times the servant hath strength enough to bind his exorbitant Master. And such should be the carriage of private Christians to hard magistrates executing hard laws. But now that there was no *danger, evident, imminent, and against the laws* of the Nation to urge the Army so to force the Parliament, shalbe afterwards cleared.

Sect. 4.

But secondly *Mr. Goodwin* hath found out a new fancy, if the former fail him; but that is such a feeble one, that I question whether he be serious in it; for he takes the boldnesse to affirm that the Army did not exceed the bounds of their calling, in their force upon the Parliament men, and

pag. 3.

he would seeme to prove it; for saith he, '*their calling and* '*commission was to act in the capacity of souldiers, for the* '*peace, liberty, and safety of the Kingdom &c.* But here first I must minde him that the Army themselves have mard his market: for they who know better the purport of their own commission then he, and whom he flatteringly tells in his Epistle dedicatory, that he doubts not but they were satisfied in the righteousnesse of their actions from heaven, before they were in being, roundly confesse, (in their answer to the demands of the remnant of the House touching their Members *Jan.* 3. 1648.) *That their restraying the Members was a course in it self Irregular, and* UNJUSTIFIABLE, *but by honest intentions, and extraordinary necessity*, whereby they plainly disclaim any call by the tenour of their Commission. But least any in such times as these, when men many times are imprisoned first, and shew of just occasion is gladly laid hold on afterwards, This false plea might be made use of, though it were not at first thought of, I will examine what he saith; he inlargeth himself: '*nor did their Commission (I presume) limit or conclude their judgments to any kind of enemies &c.* But I presume their Commission was to bear armes, to remove evill Councellers from the King, and bring him back to his Parliament, and to endeavour the subduing of all them that were in armes against the Parliament, or the welfare of the Kingdom, and (as I am informed) they were still to be regulated in their proceedings, by the Judgement of both Houses of Parliament; which

which any man may eaſily beleeve; for that the *Parliament* ſhould give them a Commiſſion inabling them to judge of their Councells, and impriſon their perſons, if they anſwered not their new illuminated fancies (for they muſt be judges what grounds are competent to make men enemies) is ſo far from policy, reaſon, or common ſence, that I wonder any man of judgement ſhould aver it in print.

But ſaith he again, *If it ſhall be ſuppoſed, that by their Commiſſion they were limited, to judge only thoſe enemies who were in Arms with the King, and his partakers: Thoſe Parliament-men whom they have excluded have notoriouſly diſcovered themſelves to be men of this engagement, &c.* But was ever any accuſation more unjuſt or ſenſeleſs? Did not they in the Treaty hold the King ſo hard to it, as to juſtifie them and the Army in the war, to the vertual condemning of himſelf and his? And to grant all, for which they ingaged againſt him and his party? And can they for this be traduc'd, as apparently friends and abettors of that party. *Page 4.*

But he comes on with a third anſwer, That *if the Parliaments call were Warrantable to levy Forces againſt the King and his party; then was the Armies call to act in the buſineſſe under Debate, Warrantable likewiſe.* But this conſequence is very weak; for the *Parliament* is the ſupreme Court, and Councel in the Kingdom (and in your apprehenſion, I beleeve, the ſupreme authority) who were indeed called to that Truſt by the people: but being by their call made members of Parliament, they became clothed with authority, to conſult, and provide means for the ſafety of themſelves and the Nation, according to the Laws and Conſtitutions of it. And ſo iſſued out Commiſſions, *&c.* but this as private men they could not do. But now the Army was not by any Commiſſion clothed with any authority over the Parliament. And therefore they cannot juſtifie their actings againſt the Parliament, over whom they had no authority, by what the Parliament did, having ſo great authority; yea in the conceit of our new Lords, the greateſt authority in the Land. *Page 4, 5.*

But he argues further, *That if the Parliament-men by being made Parliament-men, had formally and really power to raiſe an Army, then that Army hath power to act whatſoever lies within the verge of their Commiſſion, &c.* This is not doubted: But the thing which we doubt *Page 5, 6.*

and

and deny is, That the tenor of their Commission should be by strong hand to suppress all that by rationall grounds, they should judg enemies of the peace of the Kingdom, without dependance on Parliamentary judgment: for they were as raised, so to be regulated by the Parliament in their proceedings. The power of judging being reserved in the Parliament; The power of executing committed to the Army, especially in case of doubt or difference. Never would, never did, any State raise an Army on other terms, unles they meant to make them Lords, not Servants. For who is likely to be more skilful in judging what is conducible to peace and publick-weal? A Councel of War, or a Councel of State? Therefore its clear that the Army in assuming power to judg their raisers authoritatively, and so using force against them; have exceeded the bounds of their Commission, falsifyed trust, and are injarious usurpers on the Parliament men.

Sect. 5. But he raiseth an Objection, *That it is not likely that the Parliament would give Commission to act against themselves.* He

pag. 6. answers: '1 That *Law-givers when in their right mindes, may* '*give out Laws against mad men, which may be put in execution* '*against themselves when they become mad. And in case any of the* '*Parliament men from whom the Commission issued had turned* '*Cavaliers, &c.* But this is a wilde answer: for the excluded Parliament-men are in the same way, and in the same principles, in which they first gave out Commissions, that is, to have the King home, separated from his evil Counsellors, that his Throne might be establish'd in righteousnes. Therefore to argue, That because their Commission might have been used against them if they had left the Body that gave it, and united with the Kings party, that Now it may be so used when they continue in Parliament; and act on the same principles, on which they issued out the Commissions, is as poor a come off, as could be expected from the weakest Sophister.

Nor hath his 2 Answer any more strength where he affirms,

* *Traiane* '*That what one* * *Emperor spake expresly to an inferior Officer, is* '*said implicitly to al inferior Officers, by their superiors; to use the* '*power they have for them, if they rule well; against them, if they*

pag. 6. 7. '*rule ill: for they are also for the punishment of evil-doers, and that* '*without partiality. And* S. Peter *requires submission not only to*

the

'*the King as ſupreme, but unto governors, ſent by him for the puniſhment of evil doers.* But firſt, if there were nothing peculiar in that ſaying of *Trajane*, why is it ſo often mentioned of him, as a note of eminency and honor? Again, though inferior officers ſhould uſe their power and be reſpected in the uſe of it, yet they muſt alſo remember their limits. A Juſtice of Peace hath power, but it is with limits in regard of place, which if he exceed, though his act be never ſo juſt, he uſurps, and is puniſhable. And ſo is he limited alſo in regard of perſons. Subordinate Magiſtrates are to govern & to be obeyed by thoſe under them; but they are to be governed by the powers above them, and not exerciſe authority over them, for their Commiſſion extends not ſo far; Though we are to be ſubject to ſubordinate Magiſtrates, yet in caſe of opinion of wrong, we may appeal from them, as *Paul* to *Caſar*; which ſhews the ſupreme Magiſtrate is to cenſure their Sentences, not they his.

You might have ſpared that Scripture which here you too lightly bring in, '*that in this Armies Commiſſion there cannot be pretence for that exception which is in that of Chriſt.* '1 *Cor.*15.27. *But when he ſaith all things are put under him, it is manifeſt that he is excepted that did put all things* 'under him, *God the Father being incapable of ſin.* For though the ſuperiour magiſtrate is not exempt from ſin, yet is he excepted out of the Commiſſion of the inferiour Magiſtrate, becauſe his ſuperiour in Magiſtracie; and *Par in Parem*, much leſſe *inferior in ſuperiorem* (*in eodem genere*) *non habet poteſtatem, equall hath no authority over his equall, much leſſe the inferiour over the ſuperiour in the ſame kind, eſpecially* where the ſupreme Magiſtrate thinkes he doth well; for whoſe judgement ſhall controll? ſhall the inferiours controll the ſuperiour? Neither doth *Mr. Prinne* or any judicious Divine that I know, affirm that any other inferiour Magiſtrates but the repreſentatives of a Kingdom, ſhall take order with the reſtraining of Tyrants: or if any inferiour Magiſtrate may do it, yet they and the repreſentatives are to proceed, by taking order with their miniſters which are under the penalties of the law, and within the verge of authority. And there is no uſurpation in this, when penalties are inflicted on them that are under juriſdiction.

diction. But he adds 'If the Army had not so formall a call, 'as the Parliament, yet had they a call as materiall, for the 'one had it from the persons of the people, and the other from 'the peoples liberties, yea and lives, many of their lives be-'ing now laid upon the altar &c. what a loud untruth is here in matter of fact? whose lives were on the altar? Or what better security could the Parliament devise. Then first to be justified by Act of Parliament, and secondly to be secured from violence by the command of the militia? Again what palpable weaknesse is here in matter of argument, to compare the calls of men to their votes, with reall calls of their miseries, and these too most in their own fancies for the major part of people apprehend no such thing, and so their grones call not: who knows not, that personall call by votes clothes with authority, gives jurisdiction, and enables to order others? But sight of miseries, gives a man no authority to command, onely calls him to put forth that power he hath to help,

Aquinas, q. 32. Art. 7.

Lastly he affirms 'in case of extream necessity, all things are 'common, and so callings; for this he cites a Popish writer, a fit patron for a false position; for if this be true, here is no theft in extreme need when a man must dye, to feed on another mans store, it is no theft. But this is against the Scriptures, making a difference indeed between him that steales presumtuously, and him that steales for need, the one deserving pitty, but is a theif still, and must restore, though it be to all his substance *Prov.* 6, 30, 31. || And *Cicero* is of the same judgement, that a good man must famish rather then steale, *lib.* 3. Off. * wherein he speaketh to the shame of Papists and all that symbolize with them. To the example of *David* I have answered already, for what he cites out of *Polanus*; *That when ecclesiasticks are negligent, Laickes may reforme*, Its just nothing to his purpose; for who knows not that *Polanus* and other Protestant Divines, hold the reformation of the ecclesiasticall estate to be within the verge of a magistrates call? But will *Polanus* or *Mr. Goodwin* say, that a magistrate in case of defect without any other call, may administer the Sacraments? could necessity excuse *Uzzah*? Therefore this pretended community in case of necessity, is a Popish device, and a figleafe too narrow. He

|| So *Augustine* in Psalm. 73. Pauper mendicus furtum facit ex macie processit iniquitas.

* Nonne igitur sapiens si fame ipse conficiatur abstulerit cibum alteri ad nullam rem utili? Minimè vero; non enim mihi est vita mea utilior, quam animi mei talis affectus, neminem ut violem commodi mei gratia.

He cloſeth his anſwer with a ſimilitude of his owne, which he amplifies out of Maſter *Prin*, [“ *Where he ſuppoſeth the Pilot* “ *of a Ship drunke, or mad, and the Ship running on quick-ſands,* Pag. 9. 10. “ *&c. In ſuch a caſe may not any man or men Act as a Pilat, which* “ *others ſtand bound at the perill of their lives in this caſe to obey.*] But firſt, ſimilitudes are better for illuſtrations, then prootes, Secondly, They prove nothing at all, unleſſe there be parity betweene the example, and the thing exemplified. Whereas here is the greateſt diſparitie. For if this ſimilitude cleare the Armie, it muſt ſuppoſe the Parliament-men drunke, or mad, whereas indeed they that accuſe them, labour of ſomewhat proportionable to theſe diſeaſes. But let the caſe be put thus: The Maſter of the Ship is, according to his place ableſt to guide the Ship, and he according to his beſt skill, directs ſuch a courſe, and accordingly gives out commands. The Maſter Gunner, preſumes he can ſteere a ſafer courſe, and thereupon, by the helpe of his under-officers, awes, and forcibly ſeizeth the Pilot, and ſo takes his owne way. Is not the Gunner here guiltie of uſurpation and diſobedience? Juſt ſo ſtands the caſe between the Parliament and the Army. The Parliament are beſt able to judge, for they are the Councell of State, and have moſt right to guide the Ship of the common-wealth, for they have the Superior Authoritie. But the Souldiers command the Guns, and they propoſe another way, which though lookt upon, as moſt dangerous by the skilfull Pilots; yet by force, all are ſecluded, that will not run their way. Is not this uſurpation in the Souldier, and dangerous, not ſafe to publique weale? In caſe of difference in judgements, whoſe ſentence ſhall controll? Shall the ſons judgement controll the fathers? or the ſervants his Maſters? no more ought inferiours Magiſtrate controll the Superiours. The Armie therefore ſhould obey, not preſcribe to the Parliament in things dubious, eſpecially ſuch as are of Civill, not Martiall cognizance. But becauſe the exception that Maſter *Goodwin* all along ſuppoſeth is, That the Parliament Members reſtrained, are drunke or mad civilly, or have turned back on truſt, and there is much depends on this. I will here, once for all, lay downe grounds to cleare it; That the Parliament-men reſtrained, are in re-

ference to the Souldiery, ſober, in their right wits, and true to truſt, and that the contrary errours reſt among their oppreſſors. As firſt I argue thus:

Sect 6. *Thoſe that keepe to their Principles, Profeſſions and Declarations made, when they are confeſt to be ſober, in their right wits, and true to truſt, muſt needs be judged to be ſo ſtill. The Parliament men who indeavour the ſetling of the King and Kingdome, upon his large Conceſſions, keepe to their principle Declarations and Profeſſions.* Ergo, *They are to be judged ſober, in their wits, and faithfull to truſt.* The *Major* is manifeſt, for conſtancy in Principles and wayes, is the greateſt evidence of ſobriety and faithfulneſſe. A double-minded man, a drunken man, a frantick man, is unſtable in all his wayes. The *Minor* is undeniable, which may be ſeene by every one in the Record of their Principles, Declarations and Profeſſions, in the Booke called, *The exact collections*, printed long ſince by the Parliaments appointment, and in other Summaries of them. And if the Members be *ſober, in their wits, and true to truſt*; their oppoſites are under the evils, contrary to theſe vertues; For *Contrariorum contraria ſunt prædicata.*

Secondly, Thoſe that proceed in a way to which they ſtand ingaged, by divers ſolemne and religious bonds, they are ſober, in their wits, and true to truſt. The oppreſſed Members proceeded in a way to which they ſtood ingaged by many ſolemne and religious Bonds, therefore they are ſober, &c. The Major is not to be doubted of, unleſſe we be like *Felix*, and think much Religion or Learning makes mad.

The *Minor* is as evident, for the *Oathes* of *Allegiance, Supremacy, Proteſtation*, the *Nationall Covenant*, are all *ſacred* and *ſolemne* Bonds, and all ingage to preſerve the Kings Honour, Safety, and Greatneſſe at leaſt upon ſuch Conceſſions as theſe granted by him. Therefore the concluſion is undeniable, and the blame muſt reſt on their Oppreſſors, but the oppreſſed Members are free.

Thirdly, *They that walke in a way ſuitable to the Religion that they profeſſe, and after the patterne of the wiſeſt and beſt profeſſors of it, they are ſober, &c. The Parliament in according with the King upon his Conceſſions walke ſutable to the Religion they profeſſe and follow*

follow the patterne of the wiſeſt and beſt profeſſors of it, therefore they are ſober, &c. The *Maior* is evident, and the *Minor* is cleare, if there be any difference, it is from the Parliaments holding up the King too high, and not in ſtooping too low. For no Religion is more for not onely accepting, but exalting Governours in legall waies, then the religion of Proteſtants in matter of Loyalty, even in caſe of difference of Religion, alwaies condemning the Jeſuiticall Doctrine of depoſing, or deſtroying Princes; And for the practiſe of the beſt Proteſtants you ſhall heare, *Iunius Brutus* in his *Vindiciæ contra Tyranos*, a Book that is Scandalous even to many Proteſtants, for the great liberty he gives againſt Princes; yet in this caſe, thus he ſpeakes, p. 47. *Cum his quotics cunq; optaris preſto eſt pax deſine cædere cedunt, Deſine deum, oppugnare, deſinent propugnare. Arma ſi velis iis è manibus excutere, ſatis eſt modo ne percutias. A Prince ſaith he may have peace with proteſtant Subjects when he will let him leave beating them, they yeeld to him; let him leave oppoſing God, they will leave their forcible defence; If you would diſarme them, its enough that you ſtrike them not: and a little after Principi portas urbis claudunt, ubi reſipuerit, & ad ſe redierit, impertata facere parati. They ſhut the gates of the City againſt the Prince; aſſoone as he ſhall repent, and come to himſelfe, they are ready to doe his Commands. A little after, noſtro vero etiam tempore meminimus eos, qui pro vera religione, adverſus impietatem in Germania, Galliaq; pugnarant, quotiescunq; dei pure colendi poteſtas facta eſt, arma ultro depoſuiſſe. Alſo we remember that thoſe in our times have fought for true Religion againſt impiety, either in* Germany *or* France, *as often as they had liberty given to ſerve God purely, lay downe Armes.* And his concluſion is very remarkeable, *Ejusmodi ergo ſignis poſſunt hi a defectoribus facile diſtingui. Therefore by ſuch like ſignes, thoſe* (that maintaine legall liberties againſt Tyranny by the Sword) *may be eaſily diſtinguiſht from Rebels or apoſtate Subjects.* And thus it is cleared, that the Parliament, in indeavouring peace upon the Kings Conceſsions, doe walke after the rules and patterns of Proteſtants and their Religion; Therefore the concluſion ſtands good, that they are *ſober, in their wits, and true to truſt*, but then what to thinke of their oppreſſours is obvious enough.

Fourthly and lastly, (that I may not exceed in matters so cleare; *Those whose worke and truſt is, to provide for the honour, ſafety, peace, and proſperity of a Nation, who proceede in the moſt probable way, to promote the honour, ſafety, peace and proſperity of that Nation; they are ſober, in their wits, and true to truſt. But ſuch was the worke, and truſt of reſtrained Members, and they tooke the moſt probable way to promote it; Therefore, they are ſober, in their right wits, and true to truſt.* The *Maior* is manifeſt; The *Minor* may be cleare thus, *Monarchicall* Government, is the moſt honourable Government, when it is regulated, that it degenerate not into tyranny, and its an honour to people to be loyall to Governours in good wayes. Loyalty is praiſe-worthy, Treachery vile, and baſe; Therefore when by the Kings conceſſions. Tyranny is prevented the liberties of the people ſecured: to preſerve the Monarch, in ſafety and honour; and the people in loyalty is undoubtly, the glory of a Nation. And this would be as conducible to peace and ſafety, for this would have put a preſent period to our broyles, and ſet the Parliament in a capacity to preſerve peace, by their command of the forces by Sea and Land, and hereby we ſhould have recovered reverence from friends, and become terrible to enemies, and what could in reaſon be the reſult of all this, but great proſperitie? and this was the Judgement of the Army, but a little above a yeare agoe, and this diſcovered by ſundry Declarations and propoſals, inforc'd with ſolid reaſons, and this they purſued a good while, till ſelfe intereſt, ambition, or I know not what tentation turned their braines, and though they have layed out all their skill in their Remonſtrance, to ſhew that the King by peace on his Conceſſions, would have both oportunity and will, quickly to make himſelfe abſolute, and ſo fall upon revenge, yet there are fairer probabilities on the other ſide, that he would not, if he could or could not, if he would let out his ſpirit in ſuch a deſtructive way of revenge; And that he would not, if he could may appeare. Becauſe he hath given ſo ample teſtimony of deepe wiſedome, whereby he is able fully to foreſee the deſperate danger of attempting any ſuch change, or revenge. Secondly, Experience will make him wary; The burnt child dreads the fire, he hath ſufficiently felt the

the miſery, acrewing to Princes, by the alienation of Subjects. And thirdly, Which is moſt moving with me, his invincible patience, and tranquility of Spirit in his ſufferings. Noble natures that can beare adverſity without fainting; can injoy proſperity without revenging; revenging moſt haunts baſe, and cowardly natures; But if he would he could not breake out, becauſe by theſe conceſſions his hands are tyed; and by this recommodation, the Parliament would be reinveſted in the peoples affections, and any attempt of breach on the Kings part, would cary ſo much ill in the face of it, that the whole Nation would be ready to riſe up, and plucke in pieces, whoſoever ſhould be ſuppoſed to be either Counſellors or Actors in ſuch a breach of faith; And the Militia being in the Parliaments hands, ſuch incendiaries might be eaſily cruſht. I might adde the Kings carriage in his conceſsions, where his owne honour, or externall rights was concerned moſt facile; but where his conſcience was intereſted tenacious to the greateſt adventure, what ſound reaſon can be given, why the King ſhould be ſo reſolute in the matters of his conſcience, but that he meanes to keepe what he granted; And therefore would not grant now, what conſcience hereafter might inforce him to breake, as being againſt conſcience, and ſee the ingagement to it ſinfull, and null. But ſuppoſe the danger in peace on theſe conceſsions be more then I apprehend; yet if the danger of depoſing or deſtroying be greater, and more unavoydable: It is not madneſſe, but ſobriety to chuſe the ſuffer way, wherein if we fall, we ſhall fall with inward peace and honour, having diſcharged our conſciences in reference to our Oathes, and profeſſions: and to decline another way more dangerous, wherin if we fall, our fall will be more foule and uncomfortable. Now let the danger of depoſition or deſtroying the King be weighed in the ballance, either of experience or reaſon, and I doubt not but it will waigh downe the danger of commodation on ſuch conceſſions; for that the Prince of *Wales* ſhould come in, and ſubmit himſelfe to the depoſers or deſtroyers of his Father, is not imaginabl. What cauſe, and minde to revenge he will have; any man that hath a Father, to whom he is not onely linkt in nature, but aſſocia-

ted in cauſe, may eaſily apprehend; And his opportunities are as Evident. What potent Prince will not ſeeke his affinity, having a juſt and cleare title to ſuch three Kingdomes? And what a partly is he like to have at home? The whole Peerage of *England*, diſtaſt rigour againſt the perſon of the King; and I thinke three parts of foure in the Houſe of Commons are in their minde. The Generality of the people of the Land deteſt it; The Miniſtry, that have not beene thought altogether inconſiderable, ſtand amazed at it, as moſt diſhonourable to Religion, nor are the affections of *Scotland* dubious in this point; nor is all faire weather in *Ireland*. The party, that had enough to doe, to grapple with the King, when United, is now divided; Peace in *Germany* will afford plenty of Mercenaries; What greater probability was there ever for any Prince, either to attempt or atcheive revenge? And by the ſame meanes be in condition to make his owne tearmes with his people? And if he ſhould faile in his attempts at firſt, yet how endleſſely they will be renewed, till the Kingdome be ſetled on his right baſis, is as cleare as the Sun in our experience. After the depoſition of *Richard* the ſecond, and ſetting up *Henry* the fourth, of the younger Houſe, There was no ſettlement betweene the Houſe of *Yorke*, and *Lancaſter*, for above fourſcore yeares, but ever and anon bloody Wars, to the ineſtimable damage of this poore Kingdome; neither was there any hope of ſetled Peace, till their titles were United by the marriage of *Henry* the ſeventh, of the Houſe of *Lancaſter*, with the Heyreſſe of the Houſe of *Yorke*. And thus I hope I have cleared it, that the Army was not oney deſtitute of any warrantablecall, but alſo of all juſt occaſions, ſo to oppreſſe the Members of Parliament, for proceeding to ſettle the Kingdome by treaty: for its evident, they therein acted wiſely, ſoberly, faithfully, and ſuteable to their former profeſſions, and ſacred ingagements.

CHAP.

CHAP. 2.

Now Mr. *Goodwin* proceedes *to a ſecond objection, from the Ar-* Sect. 1.
'mies reſiſting lawfull authority, or the powers ſet over them, and 'therein the Ordinance of God. View *the* argument in its full proportion, and I doubt not but it will be found *Herculean.*

THey that reſiſt lawfull powers, who they acknowledge lawfully ſet overthem, and to whom theſe ſhould be ſubject for conſcience ſake; They defile themſelves, and incur damnation. The Army in their late forcible act on the Houſes, did reſiſt lawfull authority, lawfully ſet over them, to whom they ought to be ſubject for conſcience ſake: Therefore the Army by that act did defile themſelves, and make themſelves lyable to damnation. The *Major* is the Apoſtles, *Rom.* 13. 1. 2. 34. and now let us ſee how Mr. *Goodwin* quits him from the *Minor.*

He anſwers, ["*That to reſiſt authoritie imports two things;* pag. 11.
'*A deniall of obedience to the juſt command of authority;* But this is not all, there is reſiſtance in oppoſing authority in legall commands, whether juſt or unjuſt; if they be legall, they be obligatory to the ſubject, either in regard of doing or patient ſuffering, or elſe the advice were of little uſe to thoſe that lived in heathniſh Common-wealths, and under Emperours, none of the beſt, but many times the worſt of men; But, ſaith he, ["*The Houſe had given out no ſuch Commandment, that 'none of their Members ſhould be ſeazed, though Voting never ſo pal-'pably againſt their truſt;* But though they have not Voted things in ſuch an abſurd way, yet have they declared (upon occaſion of the Kings demand of five of their Members,) that pag. 11.
the arreſting of any Member whatſoever, without a legall proceeding againſt them, and without the conſent of the Houſe, whereof ſuch perſon is a Member, is a breach of priviledge of Parliament, and the perſon that ſhall arreſt any ſuch Member of Parliament, is declared a publique enemy of the Common-wealth, *Die Lunæ Janu.* 17. 1641. And this

I hope Mr. *Goodwin*, and the Officers of the Army did not then thinke unreasonable; and to into what condition the Army have put themselves by that Declaration, is evident,

p. 11 But Mr. *Goodwin would have no act binding, unlesse the justice of it may be sufficiently cleared*: It this must be in the judgement of their oppolites (which it must be, or else it will not serve his turne) sure it is a tenent that destroyes all Government.

Sect. 3. But Secondly, ["*He saith resisting imports an ingagement, to* "*take away authority, but that they did not they declare their ap-* "*probation and resolution, to maintaine authority Parliamentary*, &c.] But what more ridiculous, or hypocriticall apology can be made, then to say, they will maintaine authority, when it is onely so much, and so farre as it will be ruled by, and sute their conceipts? which is indeed to subdue not to maintaine authority, as they pretend.

p. 12. But he objects against himselfe ["*That if the Army did not* "*in either of his senses resist Authoritie, yet they did what was* "*worse, offer violence to persons in Authoritie*, &c. He answers, *Its* "*lawfull by violence to wrest a Sword out of a mad mans hand*, &c.] An easie, and readie way to de-throne all Authoritie, if saying they be mad will serve the turne, when they are neither in drinke, passion, nor under any other symptome of such unnaturall distemper: Besides, I have proved, that the madnesse that is lyes at the doores of their oppolites, and sure else they would never runne on so confidently, as they doe, in irregular wayes, and yet pretend to so much conscience.

Sect. 2. p. 13. He answers, secondly, ["*That the King had as legall an investi-* "*ture into the power of the Militia, of sitting in Parliament*, &c. "*as also men had in their Parliamentarie trust, yet did the Parlia-* "*ment upon a discoverie*, &c. *deprive him of this power.*] First, what power the King had in the Militia by Law, is not within my element to determine. But if that Principle layd down by him be true, for ought I know, its likelier to draw the Parliament into a communitie in erring, then exempt the Army. Beside, The King did at first leave the Parliament, and their chiefe overture of Warre, was to bring him to, not keep him out of Parliament; And that he hath not beene re-admitted e'r now, I think he may chiefly thank some of your Party.

He

He answers, thirdly, [" *As a Client may cast off an Advocate,* " *whom he suspects, or a Pupill his Guardian, &c.*] But first, Can a Pupill cast off his Guardian till he be fourteene yeares of age, when he is inabled thereto by Law? But to compare also the Parliament to a mercenarie Advocate, is base and ridiculous. Besides, if the Parliament be Guardians, it is of the Nation, not of them onely. Who made them Trustees to cast them of for the whole Nation? Sect. 4.

But he Objects against himselfe, first, [" *That the Parliament* " *were Judges lawfully, Constituted of the Kings Delinquencie. But* " *the Armie not so, in regard of the Parliament.* He answers, *That* " *if wee measure the Parliaments judicature, by the peoples call, the* " *Armie hath every whit as lawfull a Constitution to judge who are* " *enemies, &c. as the Parliament; as he hath proved.*] But the folly of that proofe hath bin manifested, for they had no call at all from the people, but from the Parliament: And that call was not to be Judges, but Actors, according to the judgement of Parliament: And this they did usually professe, and promised to the Parliament, as long as the Parliament pleased them. [" *What he addes of explicit, and implicit call from the* " *people.*] Its nothing for him, for the Armie had neither. The implicit, I have disproved; [" *explicit he confesseth, they had* " *none, for want of opportunitie at the present: Nay, he confesseth,* " *That the generalitie of people dis-relish their Act, but they are in a* " *Phrenzie too.*] A short cut to make a man absolute Master of his Actions to dub every one mad, that opposeth him. But it is the most insolent, and mendicant way, that ever was avowed by a Scholar. Sect. 5. p. 14.

But secondly, He saith [" *The investiture of the Armie into the* " *judicature, which they have exercised, is by a Law of greater Au-* " *thoritie, then any the Parliament can pretend; that is by the Law of* " *nature, necessitie, and love to their Country.*] For his Law of nature, and necessitie, they are all one in his account. For his Law of love, they were just acted by it, *as Saul when he slew the Gibeonites in Zeale to the children of Israel*, 2 Sam. 21. 2. and a like pleasing to God. But the *Armie* acted against their *Personall* Oath, *Saul* onely against the oath of his *Ancestours*. p. 15.

But he Objects against himself, [" *That the necessitie might be* " *pretended, not reall. Pretence of necessitie is easie, but not so easie* Sect. 6. p. 16.

"*a thing, to deſigne what that neceſſitie is, which is authorized by* "*God with a ſuſpenſive power over humane Lawes.*] Its very true, that pretence of neceſſitie is eaſie, and the difficultie in deſigning that Authoritie, which hath no Law, great. And yet it will be a greater difficultie to prove the Armieunder that neceſſitie, both which lyes on you; but let us ſee how you proceed:

17. He anſwers, firſt, ["*That every man hath power given him in* "*judging of perſons, or things, in reſpect of themſelves, and with* "*relation to what concernes themſelves, by way of dutie, to doe, or to* "*forbeare, &c.*]

This is in a right ſenſe true, that man being a Rationall creature, and ſo to doe his actions in judgement, and wiſedome. He is to judge of every thing, that is before him, whether it be good, to be acted, or bad, to be omitted. But this is as cleare a Principle: That he is to judge of things by Rule, and one plaine Rule is, That Publique things are to be done by publique authoritie. And in ſuch matters, the judgements of publique perſons, uſing their beſt skill, ought to prepondderate private judgements, at leaſt to prevent contrarty acting. Or elſe wee muſt fall into confuſion, and have all authoritie overthrowne, and Apoſtolicall precepts touching ſubjection to Principalities, and Powers, quite enervated. And this cleare Principle they walke by, that judge the Armie guiltie of groſſe uſurpation in their force upon the Members. And therefore doe not uſurpe upon them, nor are injurious to them, in ſuch cenſures, as expoſe them to no more diſ-repute for this fact, then it deſerves.

Sect. 7. But he proceeds, ["*To prove the ſentence which the Armie* "*paſt on the Members, as meet to be diſpenſed of their Parliamen-* "*tarie Authoritie, not to be erroneous either for want of skill in judge-* "*ment, or for want of care in putting forth that skill. And why?* "*Becauſe for ſome probabilities, to wit, That the Royall Partie, by*

p. 18. 19. "*agreement, would have had and improved opportunitie to have ta-* "*ken revenge on thoſe, whoſe hands had beene heavie upon them to in-* "*rage them, and who had ſhewed moſt courarge for the Parliament.*] But the Parliament it ſelfe, upon more probable grounds (as I formerly ſhewed) have judged their way to be for the Peace and ſafetie of the Kingdome, in compoſing differences in ſuch a way, that they ſhould by Law have eſtabliſhed, all that for which

which they had ſo long contended for, and all ſecuritie they could demand, for the preſervation of it. And their judgement ought to be binding to all under their Authoritie to acquieſe in it, at leaſt ſo far, as not to oppoſe it forcibly.

He proceeds, [" *Its no ſuch difficult matter to judge of ſuch e-* Sect. 8.
" *mergent neceſſities, which is authoriſed by God to ſuſpend humane* p. 20.
" *lawes. He inſtances* Mat. 12.3,4,5. *in hunger.*] But here you muſt note the neceſſitie of hunger, doth onely ſuſpend a ceremoniall (not a morall) Law, as that about Shew-bread; or if you apply it to the Sabbath, that was onely morall by inſtitution, not by nature, and ſuch a morall differs little from the ceremoniaell, but in perpetuitie. Hunger will not diſpence with that naturall law, Thou ſhalt not ſteale, as I have proved from *Prov.* 6. 30, 31. " *Men doe not deſpiſe a thiefe, if he ſteale* " *to ſatisfie his ſoule, when he is hungry. But if he be found, he ſhall* " *reſtore ſeven-fold.* So the neceſſitie of hunger makes not theft, " no theft. And thus much Mr. *Goodwin* in effect confeſſeth: " [*In his caution, where he ſaith, When wee ſeeme to approve of that* p. 21.
" *Principle of the Jewes perill of life drives away all, wee intend not* " *to ſay, That men may lawfully tranſgreſſe every precept of God. As* " *for example: Men may not lye, forſweare themſelves in ſuch caſes.*] Wherein he hath ſaid enough to confirme my anſwer, and to cut the throat of that Cauſe, which he would maintaine.

For was not the ſeizing of the Parliament-men, a manifeſt breach of that priviledge, which they had Sworne to maintaine? What is a priviledge of Parliament, if that be not, that their perſons be free from violence, in and for Voting according to their conſciences, upon the probableſt grounds that they can diſcerne? If this neceſſitie doe not give a man leave to be forſworne, as he confeſſeth, it cannot be their diſcharge in this fact. And undoubtedly, the law of an oath, is of abſolute and indiſpenſable authoritie, and ſo judged hitherto by all but that Antichriſt, who for aſſuming to himſelfe authoritie to diſpence with oaths, is evinced to be *that Man of Sin, who in the Temple of God, ſits as God*, 2 Theſſ. 2. 3, 4. Neither let any man deceive himſelfe, by thinking that neceſſity doth not give leave to be perjured, but by this neceſſitie the oath was not binding, & ſo breach of the oath was not perjurie. For ſo the Papiſts ſay in making it excuſe theft, in caſe of neceſſitie taking what is a-

nothers ceaseth to be theft; and yet this Mr. to *Goodwin*, I suppose likes not, for he saith, We may not lye, in case of necessitie, and not to steale, is a command of the same stampe.

It being therefore clear that the act of the Army was both against their Word, and Oath, and Mr. *Goodwin* confesseth that necessity dispenseth not with an Oath, or a Ly. I need adde nothing to what he saith concerning humane Lawes, Though I must tell him that many humane Lawes, are but the backing of Divine Lawes with civill sanction and penalties, because carnall men are senseles of sin against God, and fearlesse of his threatnings, and such lawes are as indispensable as the Laws of God themselves, being but the Laws of God, put out in a Politicall dresse. And such is the Law of man, for private men to be subject to the Lawes, and Votes of those, that are clothed with authority over them, thus far as not to resist them, or rise up in rebellion against them, for this is required by a Law, that Commands things morally, intrinsecally good, and forbids the contrary, *Honour thy Father and thy Mother*, and so much for that Objection also.

But he proceedes to another Objection, [" *That at least* " *many of the Parliament men, disturbed in their way, were religious,* " *and conscientious men, and voted, and acted what they did consci-* " *enciously judging the course they steered safest, &c. And is it not* " *contrary to Reason, and Religion, That such men upon so faire an* " *account, should be used so fowlly?* But I would rather frame the Objection thus, when wise and conscientious men, cloathed with authority, do act conscientiously, and according to their best skill, determine a way for publique weale. No private persons can have place left for the plea of such a necessity, as may authorise them against the rules of order, to resist them. For that necessity, that dispenseth with Lawes, must not be probable only, and disputable among men of equall parts, and integrity: But apparant and imminent, which the conscientiousnesse of the Members oppresst proclames to be otherwayes, in the case in hand. But now what saith he. 1 " *After an oblique reflection upon their Religion in a parenthesis, hee* " *answers though they be religious, yet they be men, and so have not* " *that Divine prerogative* James 1. 13. *to be untemptable to evill,* " *and then adds, an uncharitable, and to men in authority, an arro-*

" *gant*

"*gant insinuation. They that are capable of receiving of gifts, or of* "*any inordinacy in their desires after earthly accommodations, how* "*wise soever, are subject to have their eyes blinded.* But doth hee not see how this may be retorted, are the army above temptations? Above ordinances some may be, and that is to be overcome of temptations, but above temptations he will not say they are, I suppose; And do not the Army and their party receive gifts and accommodations? who equall to them in this Kingdome? many of them from so meane and defective a condition risen to such a shining condition? Besides though the Parliament men be not untemptible, their determinations are uncontrouleable, by inferiours, as subject to temptations and possessing more advantages by distractions, then they were like to get (at least most of them) to themselves in particular, by accommodations.

"*Secondly, saith he, when men are religious onely to a mediocrity* "*and withall servile in their judgements to some principles, with great* "*confidences obtruded on their consciences, for sacred truthes and* "*yet full of enmity to a thorough dependance on God, they may be-* "*come twofold more the children of feare, and more capable of dismall* "*impressions from the World.* By which obscure passage, I confesse I know not what he glanceth at. But me thinks he hath no great cause to upbrayd them with feare, who did with that resolution reject the motion of such an Army, and after a Vote, so highly crosse to their designe, passed through them, so in armes, to proceed in their discharge of their trust. Let Mr. *Goodwin* please himselfe and his followers, with his black insinuations, but all unimteressed men will believe that action showes them above feares, and that they had not lost, but recovered that noble spirit, that once moved in *Nehemiah*, shall such a man as I flie? I might also oppose to his old saw, "*that feare is a bad counsellour*, another as authentique *Prudens* "*magis metuit, quam sperat. The prudent counsellour is apt rather* "*to feare then confidence*, and Aristotle gives it as an effect of "feare ὁ γὰρ φόβος βουλευτικός πως *feare makes deliberative*, Rhet. lib. 2. c. 6. But saith he secondly, "*When Religious men* "*sin against the common liberties of a Nation, and make one purse* "*with the thrice declared enemies of the Nation; here then the law* "*of nature, and necessity cannot stand to make inquiry after such a*

"*difference, &c.* But first how false this supposition is, in reference to the oppressed Members, I have formerly shewed proving the goodnesse of the way they were in. And againe there cannot be more senseles boldnes, then to call such an agreement, so much to the advantage of one party, and to the burthen of an other, making one purse with them. And lastly, so long as the necessity is so obscure that so many wise, and good men, apprehend safety not danger; There can be no necessity so apparant, as to authorise inferiours, to rise against their superiours, to the violation of that Ordinance of God wherewith the superiours are clothed.

Hee addes fourthly "*That the corruption of the best men is* "*worst, with such other flourishes in themselves true to dazle the eyes* "*of his unwary Reader*, wherein he still begs the question, that
pag. 26, these men were corrupted, and waves the force of the argument, which is, that being the Parliament men were not only by their places more able to judge, but by their conscientiousnes, like to put forth their abilities to the best advantage. The course that such approve cannot be thought so apparantly destructive, as to give just cause to pretend such apparant necessity of danger, as to break Lawes humane and Divine, seen only by men, that can pretend to no more of science, or conscience, then those whom they reject.

He addes fifthly "*For any hard measure objected to bee used a-* "*gainst the Parliament men, he answers, Hee knowes not how the Army* "*could walke toward them with a softer foot.* How doth affection blind men, could not they have used more softnes, then leave so many of them in Hell all night, without any accommodations for rest? And what menaces have bin cast out, against the lives of some of them, separated from their brethren, into a place of straiter custody, & of greater terrour, but all sufferings are light with some, that light not on them and theirs. For close of this, because he hath cast out some oblique and some more direct glances, at the Religion, and integrity of the secluded Members. I will make him this offer. That if the secluded Members, be not as free from raysing advantage during the late troubles, and have not given as good satisfaction to the World, both of their knowledge, integrity, and affection to Religion, as so many, chuse

chuſe them where they can, of the ſame truſt, that approve of their neceſſity, let them carry the cauſe among men. But if not their pretended neceſſity, is not like to be the genuine iſſue of a faithfull brain and heart.

Sect. 1.

CHAP. 3.

[" Mr. *Goodwin* proceedes to a third Objection, *from the Covenant*, he might have added the Proteſtation made *May*, the 5. 1641. *which was taken more generally from which I preſent the argument, thus formed.*

EVery act contrary to any one, or more ſolemne ingagements made to God is lawfull, and impious: the Act of the Army ſeizing the members of Parliament, is contrary to one, or more ſolemne ingagements made to God. Therefore that act was unlawfull and impious; The *Minor* is cleare, for in the proteſtation *May*, 1641. This is one clauſe to defend their power, and priviledge of Parliament. Now what more unqueſtionable priviledge of Parliament then this, to have free acceſſe to the Houſe, and there to vote according to their conſciences?

pag. 27.

Mr. *Goodwin* anſwer, [" *That it is no priviledge of Parliament to act in oppoſition, to the benefit of the Kingdome.* True, but when the quſtion is, what is for the benefit of the Kingdome; it is part of the power of Parliaments (which is one thing which you have proteſted to maintaine) to be the finall Judges, elſe broyles and confuſion muſt follow; for they ſhall ſtand bound, (together with all of their Judgement,) to maintaine, what they judge ſo conducible for the Kingdomes wealth, and if their Judgements be not determining, others may thinke themſelves bound by force to oppoſe them, and what can be expected from this, but perpetuall broyles?

But he anſwers further, to a ſuppoſed reply [" *That this is a priviledge of Parliament for the Members to be free from queſtion without the conſent of the Houſe*; *True ſaith he, when a Parliament is taken in a proper ſignification, noting out a company of men not dead to truſt*; *But if theſe be dead to truſt, then they are not properly a Parliament*; *As he is not a Jewe that is one outwardly*, &c. But who ſhall Judge them dead to truſt? They are not to be Judged, authoritatively by private perſons, none ſuch can pronouce them dead; neither have they in what they are accuſed, given evidence to be dead to truſt, but faithfull as I have ſhewed; Againe

He

He that was onely a Jew outwardly, was not to be denied the outward priviledge of a Jew, by man. Though in Gods account he was no Jew, that is not holy to, & accepted of God, therefore not onely is the insinuation against the Parliament men, false, but if it were true, the Army hath no authority to pronounce them so, so nor to deale with them as such; Is not the Parliament the Supreame Iudicature, against which lies no writ of errour, or appeale but to God? So it stands good that their act was against their Oath.

But secondly he saith, ["*That if such a number of men be a* p. 28 *Parliament, though dead to trust, &c. he knowes no priviledge of Parliament due to them, no more then a dread man hath the priviledges of a man; and this he sets off with many flourishes,* wherein he keepes this old artifice to play upon a plausible string, to please his party, that agree with him in the supposition that those Parliament men are dead to trust; whereas that supposition is apparantly false and scandalous. But his flourishes are but Sophisticall neither, for a dead thing hath no priviledge, as it is dead, but if it be dead in one selfe, and alive in another, it may have priviledge in one selfe, though it have none in another; as the carnall seed of *Abraham*, were Jewes to men, and so had their outward privileges, but not so reputed, of God and so had no spirituall priviledges: so a degenerate Parliament is dead indeed to God, who is above it, to judge it, it hath no honour with, nor shall have any reward from God. But it is not dead to men, so far as to resist it; for they have no authority to judge it or resist it: but it is only so far dead to private men, that they are not to give life to the dead acts of it. If the Army had said the Parliament is dead, we will not uphold it in dead wayes, the charge being true, it had beene noble to have laid downe their Commission, and not have supported them: but to resist was out of their sphere; Let me aske this man what he would have said of *Saul*, when the spirit of the Lord departed from him, and an evill spirit seized on him, 1 *Sam.* 16. 14. Was he dead to trust or no? And yet you see *David* was as observant and tender of him, as though he had beene good as well as great. These distinctions therefore be fig-leaves, and truly I thinke such delusions that men otherwais quickfighted, use to be left to for their want of integrity to truth. But

But Master *Goodwin* adds, '*that though the Army had stood* Sect. 4. p.
'*bound to the priviledges of Parliament, yet they stood bound al-* 29. 30. 31.
'*so to maintain the liberties of the Kingdom against all impedi-*
'*ments whatsoever, and what they are not able themselves to sup-*
'*presse &c. And the liberties of the Kingdom he endeavours to*
'*prove to be greater then of the Parliament, and in opposition of*
'*lawes or priviledges, he greater is to take place &c.* But first here is supposed a *Bull*, that the liberties of a people and a Parliament of the same people, may be inconsistent, whereas it can be no true priviledge on the one side, but pretended, if they push one another. Secondly he must remember the limitation in the Covenant, that every one is to act in the performance of it according to their callings; that is not onely the Souldier as a Souldier, the Minister as a Minister, but the private man as a private man: so that a private man is not to act in a juridicall way, by vertue of his Covenant but according to Law or Commission from men in authority; and therefore the Covenant bound not them in reference to the Kingdom to act juridically in committing the Parliament men. Again, though the liberties of the Kingdom be in some sence more then the liberties of the Parliament, yet the priviledges of Parliament are first put and the bond of it takes hold there; therefore by what is spoken afterwards, the true priviledges of Parliament cannot be prejudic'd. And indeed there is nothing wherein the priviledges of the Kingdom are more concerned then in the liberties of the Parliament: And there is greater probability of the land being watered with blood, by the way that the Army are in, then by that way of accommodation that the Parliament men were in: and therefore it is but their fancy, that the liberties of the nation are in danger; nay, that particular mischeif is not eligible, before this inconvenience of giving the inferiours liberty upon their own private conceits to resist and disturb the supreame Indicature of a Common-Wealth.

But he adds thirdly; '*If there had been no clause in the* Sect. 3.
'*oathes for the liberties of the Subject, yet had the Army more* p. 31.
'*then warrant sufficient to stand up for them with out any breach*
'*o Covenant for men stand bound by the Law of nature against*
'*all other obligation whatsoever. Now there is no Law of na-*

'ure that speaks more plainly then this, that the strong ought 'to stand by the weake in cases of extremity. Formerly you made exceptions in the cases of extremity, that a man may not lye, forsweare himselfe &c. Now all bonds must give way to the Law of necessity, nor only word but oath, *oportet esse memorem*. Againe, I would know of him, if the Sheriffe
pag. 21. differ in judgement from the Iudge when a case is argued, and the Sheriffe thinks might overcomes right, and that if the Iudge proceed, he un does or destroyes a poore man and his family, Is the Sheriffe having power bound to pluck the Judge off the Bench, or keep him from the Bench rather then suffer him to passe (in his conceit) an unjust sentence tending to extremity? 'For what hee adds *touching the intention of the 'Covenant makers and Covenant takers*, I referre me to his conscience, whether though they did not intend the Covenant to binde to things against the Law of nature, yet that they intended, that they themselves should be ultimate judges what was for the publique weale of the Kingdom, and so not against the Law of nature; what not? and you know the old rule, *quacunque arte verborum quis jurat &c. whatsoever art of words are used in the oath, the oath is to be interpreted according to his sense that gives it, not his that takes it.*

But next he tels us, 'that this act of the Army in the dissolu- 'ciation of the Parliament, doth not give the least colour or shadows 'to the act of the Kings breaking into their House, and demanding 'which and how many of their Members he pleased to be sacra- 'fised upon the service of his will.

But I answer 1. The act of the King is falsely and uncharitably, that I say not maliciously represented by him; for the *King* did not *break* into the House of Commons as he mouthes it, but had admission there, which of right he may claime in either House of Parliament upon occasion; nor did he demand the Members to be sacrificed to his owne will: his words were fayter to have them legally tryed, touching some things which he had to lay to their charge; what was in his heart you know not. Now compare the act of the Army to this of the King, and see whether there be not only some colour, but according to our English Proverbe, whether they have not made the King a Saint? 1. The King demanded but five of the Commons

Members

Members; they imprisoned above forty, and secluded as they say, above an hundred; Secondly the King took none out nor can any man tell what he would have done, had they been there, reason might have qualified him, They did not only violently inhibit many, but as I am informed by Master *Stevens* himselfe, he and Colloncll *Birch* were puld out of the House. Thirdly the King was the supream Magistrate, they clothed with no authority. Fourthly the King pretended a legall tryal, they have no legall objection against them. Fifthly The King confesseth Parliaments should be free, and one of his objections against the five members of Parliament, was that by tumults they hindered the freedome of Parliament, and you affirme tumultuous ingagements have as much hindered freedom of Parliament this two years, as the forcible act of the Army. Sixthly the King was easily reduc'd from his errour, and relinquisht it, and assured them of tenderesse of priviledge for future; you avow the Armies act, and they persist in their soree. Now who is the greater transgressour thus far? Neither did the King (as you say) '*look upon the accused Members as the greatest Patrons of the Kingdoms interest*, but under the notion of such as sought to alter the well tempered government of it; as he erred in his apprehensions, so doe you now in your conceits of the Parliament men restrayned. Nor was the pretence of the King, '*to advance the wil and power of one against the peace and comfort of many*, but to preserve the government as it stood free from alteration, which was in the judgement of any unintersted farre more for the benefit of this Nation, then the new modell of your fancy (wittily by *Sedgewick* termed All breech) which if it take, will make us a base, and in all likelihood ere long a broken Kingdom. But if the King under faire pretences did intend, as you hint, tyranny, may it not as well be objected to you that you intend Oligarchy? It's therefore cleer as the light, that as the King did ill, the Army did worse; and the Declaration of that House against the Kings act, doth militate as strongly against the act of the Army, *which declares the arresting of any Member of Parliament without a legall preceding and consent of that House whereof he is a Member, a breach of priviledge; and the person that shall arrest any such Member, is declared an enemye of State.*

Colle&. of Declar. p. 57.

Article 6

Coll. of Remonst. Decla. &c. p. 39.

CHAP.

CHAP. IV.

Sect.1. Master *Goodwin* proceeds to a fourth Objection, '*To prove* '*the Armies Act unjustifiable, because against the Law of* '*the Land*; which should rightly be framed thus:

WHosoever being under law, and sworn to maintaine the Law, or legall Priviledges of others; doe against Law, or legall Priviledge imprison the Persons of others, are guilty of an act of impious transgression. The Army being under Law, and sworn to maintaine the legall Priviledges of others, yet against Law, and legall Priviledges have imprison'd the Persons of others; Therefore by that act of theirs they have made themselves guilty of impious transgression: That imprisonment of the Members is against Law, and legall priviledge, is clear; for the Law is, *That no free man shall be imprisoned without due processe in Law.* And the greater the person, the greater is the presumption, in the oppression of them.

Master *Goodw.* To this: First, '*Sums up his Answers* '*already given to this Objection*, which have had their Answers in their places.

Pag.33. He addes, '*That we may charitably suppose, that there is no* '*Law prohibiting any sort of men from being benefactors to the* '*Publike, especially from preserving the Publike Liberties, when* '*they stand in* extremâ tegulâ.

Ans. How false this supposition is in the Armies case, to wit, that the Liberties stand in *extremâ tegulâ*, I have formerly shewed, nor is there any thing more prejudiciall to the Publike Liberties, then that the persons of their Publick Counsell, shall be restrained upon the uncertaine fancies of a small Party: And necessity cannot dispence with a lie, nor an Oath, as he hath formerly confest: God can preserve where our hands are bound without our lie * or perjury, or sanctifie all that is to be suffered.

* *Rom.*3.7.

Sect.2. Secondly, Saith he, '*If there were such a Law, it could have* Pag.34. '*no obliging force, &c.* If he mean it could have no obliging force *in foro Dei*, *in the Court of Heaven*; so that man should

not

not obey it: It is true. But if he mean, it hath no obliging force *in foro humano, in the Courts of men*; so that a man ought not to suffer, but resist, it is false; for then all the Lawes of Emperours made against Christians are invalid: And those sufferings of Primitive Christians, especially when they grew into multitudes and legions, were not such glorious actions, but rather the follies of the Christians, that knew not their Liberty to use their power to resist those dead Lawes to which they no wayes stood bound: At least, *Bellarmines* Answer in behalfe of the Church of *Rome*, running courses contrary to Primitive times, is true; that then *derant vires temporales, they wanted temporall strength*; and Protestants have been in an errour that have ascribed the dissimilitude to the decay of spirituall graces. But its nothing for such as Mr *Goodwin* to symbolize with Papists.

He proceeds: Thirdly, '*If there were a Law to make force in any* Sect. 3.
'*kinde to interrupt Magistrates in their way punishable, yet this* Pag. 34.
'*would not evict this Act of the Army, to have been contrary to* 35.
'*the Lawes, because it is the constant genius and manner of Lawes,*
'*to lay down only the generall Rules, and conceale the exception:*
'*Now the exception doth not break the rule. And here hee*
'*cites something out of* Tully, Grotius, Aristotle, *and the Im-*
peirall Lawes; and the chiefest exception is necessity.

But first, where no such exception against the Law lies, there the Actor is the Transgressor of the Law. And those that urge the Law against them, suppose it clear that there was no such necessity. For those Magistrates restrained, were good and wise men, and in their serious thoughts judged the way that they were in preservative, and ten parts of the Land to one, are of their mind still; and so the necessity is but pretended. Besides, though the Lawes of men be subject to exceptions, I referre it to his conscience, in case a Magistrate may be consulted, whether he thinks that any of his Authors will say, that private mens exceptions are to be received before the judgment of those with whom power of interpreting Lawes is intrusted? And lastly, whether an Oath to a particular Law engage not to it, though it prove detrimentall? *Psal.* 15. 4.

CHAP. V.

Sect. 1. Master *Goodwin* proceeds to a fifth Objection, '*From the 'mischievous consequence of the example of the fact of this Army 'which may bee made use of by any Party, finding themselves 'strongh enough to attempt the like disturbance and confusion:* but I would frame the Argument thus:

EVery action grounded on such Principles as are a manifest inlet to wickednesse, confusion and Anarchy, is pernicious and wicked: The force exercited on the Parliament by the Army grounded on necessity, visible only to them and their party, is a manifest inlet to wickednesse, anarchy, and confusion. Therefore the Armies sayd Act is pernicious and wicked.

Mr Goodwins Answ. 1. page 36. '*The lawfulnesse of actions is not to be judged by what doth, but by what is likely to follow and that not by accident, or misconstruction, but by the native tendency of it, &c.* Ans. 2 *Though there were not only a 'possibility but a probability, that the Armies Act should beget 'disturbances, yet should not they have stood still, because when 'the seed time is come, we must not observe the winde.*

But these Answers reach not the Objection, as it is laid by me, and should have beene laid by him which; condemns actions, grounded on such principles which will beare out other persons of strength, in wicked and State confounding actions: The ground of this action in the Army was necessity, whereof themselves are Judges; for it appeares not to others: But if necessity be a sufficient warrant to disturb Authority in legall wayes; and the Parties in whom Power is, be Judges of this necessity: By this any Party of Power may justifie themselves to men in disturbing Governours, whether the Party bee Royalists, Papists, or Athiests: That plea would have served the Northern Army if it had marcht up against the Parliament, as well as the present Army did, or the Apprentizes as well as them, they might have pretended necessity, and been judges in their own case; *ex veris nil nisi verum, nothing but truth will naturally flow from true principles:* Therefore the ground

ground of the Armies Act was a falſe principle, becauſe it will beare falſe concluſions; may further, if neceſſity may diſpence with Lawes, and the Actors be judges; what if the Levelling Part of the Army ſhould have further deſigns then the Moderater Part, and the heads of the Moderate Party ſtand in their way, may not they take up this plea, and without Law, or legall proceſſe *tollere è medio* take them out of their way? yea, then what barre is left againſt ſeſuiticall King-killing by aſſaſſinates.

Nor will this be taken off by what he ſaith Thirdly, '*that* Sect. 2. '*where there is not a concurrence of the ſame circumſtances for-* P. 36. 37 '*mally and equivalently, there can bee no place for exemplari-* '*tyneſſe*; for we ſpeake not now of the legitimacy of actions in the ſight of God onely but men alſo. *Wee are to provide for things honeſt in the ſight of all men*, Rom. 12. 17. 2 Cor. 8. 21. And if there be the ſame pretences not to be diſproved by men, which (they cannot be) if they muſt be judges of them, who carry the long ſword, Thoſe actions which are the ſame in externall, though not in reall circumſtances, ſhall be as impleadable by men.

And there is yet leſſe ſence in his fourth anſwer, *That it* Sect. 3. *is not likely that action ſhould breed diſturbance, that was done in due order to prevent occaſion and opportunity of diſturbance &c.* For what if they that leveld this ſhaft at this mark, were unskilfull Archers, may they not ſhoote quite wide the marke they aim at, and hit a friend inſtead of the butt? I am ſure they have been moſt of them but little uſed to the bow of Politicks, and what if the Scene change? May not the preſent Army degenerate, (no man can ſay they are ſtable in their Principles) and then will not this plea of neceſſity fit their hands for worſe changes if worſe can be? I am ſure it hath once ſerved their turnes, to comply with the King againſt the minds of the Parliament, and now to impriſon Parliament men, and to threaten the deſtruction of the King, and who knowes what deſigne it may carry on next? And is not this courſe a means to irritate an oppoſite party, and who knowes where God may caſt ſtrength? and then what a gallant plea is here for them, *Quid'libet audendi?* adventuring upon any thing.

Laſtly he argues, '*that if this action of the Army is not diſ-* Sect. 4. *proveable* 37.

'*provoeable by any likelihood of evil that it may bring upon this* '*Kingdom hereafter, no more then preservation of a man from* '*imminent death is reproveable, because by it he is occasionally* '*exposed to dye another time.* There were something in this, if there were any iminency of death over our Nation; but this is denied upon better grounds, then they can give to the contrary, and that by those that are the legall judges of it, which the Army was not. You adde, '*they who conceive the Army had* '*better have sate still for feare of after disturbance, plead as if* '*a man shall counsell a friend dangerously sick, not to use a Physi-* '*cian, because if he do recover, his recovery might prove an oc-* '*casion of more sickness afterwards.* But this answer hath wit without reason; for first, it presupposeth that to bee sickness of the Common-wealth, which indeed was good Physick for her recovery. And secondly to make the similitude hit, the Physick that is dissuaded must be to have an influence by the hazardous cure of one malady, to have procured more. And truely I should not think him mad but wise, that should dissuade such Physick, nor is the example of *Hezekiah* any better '*that he was to be thankefull for his recovery, though hee* '*were to dye fifteene yeares after.* For first it runs upon the former false supposition: And secondly that which recovered *Hezekiah*, was not the cause of his death afterwards. But here it is objected against the medicine that hee saith revives, that it will have an influence to kill afterwards. Nay, after a pretended cure, that medicine which he saith revives, is not like to preserve long, not fifteene yeares, nor fifteene moneths; for where there is one in the Kingdom that accounts this act of the Army medicine, it's conceived there be an hundred that count it a cup of poyson and so to be broken: And what a Paroxysme this is like to beget shortly in this poor Kingdom, let the prudent Reader judge.

CHAP. VI.

Sect. 1. Master *Goodwin* proceeds to a sixth Objection, '*counted hee* '*saith by some impregnable; It is taken from* Rom. 13. 1. 2. '*Let every soule be subject to the higher powers; for the pow-* '*ers that be, are ordained of God. He therefore that resisteth* the

the powers, resisteth the Ordinance of God, and they that resist shall receive to themselves damnation. And this I doubt not will yeild an Argument too hard for Master *Goodwin* to answer, or else sure all Protestant Divines have been much mistaken: It may be formed thus.

WHosoever resisteth the higher powers, resists the Ordinance of God, and receives to himself damnation. The Army in secluding and imprisoning Parliament men did resist the higher powers; therefore thereby they did resist the Ordinance of God, and receive to themselves damnation. For the *minor*, Master *Goodwin* will not deny but the Parliament are higher powers, to which the Army are to be subject. ' *This he saith he hath considered in the second objection, yet be-*
' *cause he would give surplusage in such arguments as pretend to*
' *Scripture, he will take it in hand againe*; let us see whether he can acquit himself better then he did before.

' *And first he presents us with a distinction betweene the power* pag. 38.
' *and the abuse of the power; the abuse of the power is not of God,*
' *and so the resistance of that not forbidden nor damnable. Now*
' *that the Army did only resist the abuse of the power (he saith)*
' *he hath proved in his book*: And I reply, that it hath been as often disproved in my Answer. Again, this distinction between *the powers, and abuse of powers*, is to be taken with caution, or else it may deceive. Mr *Burroughs* his distinction in his *Lord of Hosts* page 32. contains better divinity, which is *between the commands of abused authority, and the commands that are from the wills of men in authority. That is abused authority when those to whom power of making lawes doth belong, shall make evill lawes; in this case there is no help but passive obedience or flight, untill some way bee taken to reflesie the authority that is abused* (that is disannulling those evill lawes) *but when men that are in authority command any thing out of their wils &c.* So that in his judgement abuse of authority being legall, is to be borne with patience, not resisted by violence. And indeed if we consider that these powers were in St. *Pauls* times Heathens, and how bloudy their lawes were against Christians, and how impious they were in many other things,

one might judge it had been fitter (after Maſter *Goodwins* light) to have taught them his new doctrine of reſiſtance, rather then to have preſt ſubjection on them. Magiſtracy is the Ordinance of God, the lawes of the land the rule of it, while it keepes within that ſphere; though the lawes be corrupt, the Magiſtrate is no tyraut; ſo he is a power ordained of God, and we are to be ſubject in obeying or ſuffering, but may not reſiſt.

Sect. 2. pag. 39. He adds, '*it is manifeſt that they did not reſiſt Parliamentary* '*power, becauſe this power remaines quiet and undiſturbed*: but is he in good earneſt? Is not Parliamentary power a power repreſentee of the whole Nation? Doth it remain undiſturbed when ſo great a part are ſecluded, and ſo many thereupon think it unlawfull for them to handle the affaires of the Nation without the concurrence of their fellow Truſtees, that as they ſay ordinarily, ſcarce a ſixth part of that number that ought to ſit, meet in the Houſe? Secondly he ſayth, "*that* "*they have care to ſettle Parliamentary power on better terms.* Yes by their new Modell. What diſturbers of preſent Governance were ever found without that pretence? but how few, if ever any, effected it?

* One Parliament man told me, that as he was comming from the Houſe the day after the ſeizing, one of the Souldiers cryed roome, roome, another ſaid knock him down; ſo he never came there ſince. Was not hee forced away? And are not many more (not of their principles) kept away in like manner? And is the Parliament free from force.

He objects againſt himſelf, '*That the Parliamentary power* '*is under force now. He anſwers, That they are no more under* '*force now, then they were before the Army ſecluded the Members.* I anſwer, Why is that which hee cals Parliamentary power free from force now, but becauſe they act after the Armies miſguided fancy? but ſhould they croſſe them in their Idoll Deſigne? doth Mr *John Goodwin* think they would be more exempt from * force, then their brethren now ſecluded? why doth he then trifle ſo? And it is palpably falſe, '*That* '*the Parliament now is not more under force, then it hath beene* '*for two yeares by reaſon of tumultuous ingagements*; for though there was one unhappy tumult ſoone appeaſed, there was no other tumult ſo neare them that threatned them other wayes then with deſertion in affection, whereas now they are ſecluded the Houſe and impriſoned.

Sect 3. But Maſter *Goodwin* proceeds '*the Ordinance of God in Ma-* '*giſtraticall power, is the adequate foundation whereon obedience*

to

'*to it is to be built, and the intent of magistraticall power is the good of those that are subject to it. Therefore there is no subjection commanded of God to any higher power, further or otherwise then they act, and quit themselves in due proportion of the good of men.* I answer the conclusion here inferd is point-blanke to the plaine word of God; for the power of a Master over a servant is a power ordained of God, and the Apostle *Peter directs servants to be subject not only to the good and gentle, but to the froward; for it's prayse worthy to suffer wrongfully*, 1 *Pet.* 2.18.19. and why this should not hold in other powers; I shall expect a solid reason from Master *Goodwin*; till then his premises must passe for false with me, because his conclusion is contrary to expresse Scripture, and he knowes *ex veris nil nisi verum*. And me thinks it's strange to see what difference there is betweene the new light and the old: The Apostles whom Christ Iesus made the infallible lights of the world, were most carefull to warne Christians, *that they should not suffer as evill doers, but as Christians*, 1 *Pet.* 4.15. 16. But new light tels us that we need not suffer but when wee are evill doers; for if the powers molest us in good, they are abused, decline from their ends, so we owe them no subjection, but may resist. But the Apostles had the spirit of truth, and those that dissent give heed to seducing spirits. The truth is because Magistracy is an Ordinance of God appointed for the good of men, though they through weaknesse do miscarry, yet so long as they act as Magistrates, that is, legally, we are not to resist them, because they have Gods Ordinance upon them. And suitable to this was the doctrine of Primitive times to be read in the legible characters of their glorious sufferings; and therefore it seems they so understood St. *Paul* and St. *Peter*. 1 Tim. 4.1

He adds lastly, '*That the resisting of the higher powers here* Sect. 3.
'*condemned, is not detaining men in authority by strong hand* '*from doing mischiefe &c.* but detaining them by strong hand from going on in their Office, is the resistance condemned, which the Army did to the Parliament men. *Apprehenditur* saith *Beza*, is *verbum militare, the originall is a military word*, and therefore the Souldiers restraining the Members

as Souldiers in a warlike posture, did resist in the exact propriety of the word. But saith he, 'It is either refusing obe-'dience to their lawfull commands, which he ascribes to Pareus: but he abuseth *Pareus*, if he make that all that *Pareus* thinks is intended there, for he affirmes, *Christianos non minus quam alios quoscunque potestatibus subjectos esse debere, non tantum fidelibus, sed infidelibus, quales tunc omnes erant: non tantum placidis & aquis, sed etiam difficilibus & iniquis*; *Christians no lesse then other ought to be subject to the powers, not only when believers, but when Infidels, as all the powers then were; not onely to the pleasing and equitable, but also to the froward and unjust.* And what Master *Goodwin* cites out of *Pareus*, 'That every disobedience is not to bee 'accounted Rebellion or resistance, but only that which is 'practised out of malice contrary to the Lawes, is true; but helps not him, but is onely suteable to Mr *Burroughs* his distinction, between the Authority of Magistrates, that is, when he acts legally, and his will; disobedience to his will, is not condemned but to his Authoriy, that is his legall will: Again, if we disobey out of conscience, but submit to suffer, and be not carryed with passion to oppose, we doe not rebell. The latter thing which you cite out of *Pareus*, will stand you in no more stead: 'That if a Tyrant set upon a private man as a Robber, '&c. he may defend himself from him (in case of no other meanes 'of escape) as against an ordinary Robber; for in that case a Tyrant acts not legally, and his will, not his authority is resisted.

Page 41. But Mr *Goodwin* addes another fence out of *Calvin*, 'That 'by resisting is meant a completting and attempting to shake off the 'yoak of all obedience to the *Magistrate*: But he abuseth *Calvin* and the Reader, if he set down that as the full of what *Calvin* thinks is forbidden; whereas he makes that only the scope of the place to be the preventing such a tentation, to which he showes it is likely Christians might be subject: But upon the place delivers Doctrine as contrary to Mr *Goodwins*, as light to darkneſſe; for saith he, on *Vers.* 3. *Caterum hic de vero & quasi nativo Magistratus officio loquitur, à quo tametsi non raro degenerant qui principatum tenent; nihilominus deserenda est*

est eis obedientia quæ principibus debetur: Nam si malus princeps flagellum &c. But the Apostle here speaks of the true, and as it were native Office of a Magistrate, from which although they degenerate, which hold the Principality; yet nevertheless the obedience which is due to Princes is to be given to them; for if an evill Prince be a scourge sent of God, &c. But you Page 41.
adde, *The Army did not in what they did, refuse to obey any commands of their Superiours*; false: The remaining Members in the Commons were their Superiours; and their demands of their Members imprisoned twice by their Serjeant, were commands disobeyed by the Army; You say also, '*They* '*refused not giving satisfaction to the Law by refusing to suffer* '*any punishment*; Ridiculous: What Magistrate will attempt their punishment? Yet we shall see how Mr *Goodwins* words will hold, when Mr *Pryne* brings his action of false imprisonment against them.

'*But you have another clinch out of* Calvin; *he saith, say you,* '*but you tell us not where that the Apostle speaks of powers* '*in the abstract, not of the persons of Magistrates at all, other-*'*wise then he useth his power in due order.* First, this is flat contrary to that which I cited out of *Calvin*, That the place teacheth *Obedience to Princes though they degenerate*; therefore sure you abuse *Calvin*: And *Beza* (that is not used to differ from *Calvin*) saith, *Potestatis nomine ipso, tropice intelliguntur qui sunt in illis dignitatibus constituti, ut sciamus hanc subjectionem in ipsis dignitatibus habendam, etiamsi indigni sint qui eo sunt evecti*: *By that name of powers, they are tropically understood, which are placed in those dignities, that we may know this subjection is to be given to the Powers, though they are unworthy that are advanc'd to them.* Besides, all that can be hinted in the name of Powers so often used, is but according to the distinction between the will & Authority of the Magistrate for conscience sake, further, then it is cloathed with Power, that is, legally, and that is plainly the meaning of *Parens* cited by you; *He names Powers rather then Kings and Princes; for in the persons vices & causes of disobedience are found; therefore he would have the Powers different from the persons.* That is, their corruptions will put them on to seek to have their will a Law, & their

Power extends no farther then Law, nor further are wee bound to obey. But what need we ſtand upon this terme any longer, ſith S. *Peter* expreſly mentioneth the perſons both of the King, as Supreame, and all that are in Authoty under him? Therefore Mr *Goodw.* without juſt ground, *'Limits the ſubjection to Magiſtrates only, while they act 'regularly, and with a ſingle eye on procurem nt of Good.* Though I deubt not but our Parliament men ſeiſed for endeavouring agreement with the King, were both regular in their way and aimes: I may conclude therefore, for all Mr *Goodwins* ſleek Apology, the Armies forcible Act upon the Parliament ſtands convict of grievous guilt, and yet we ſee the old adage true, *'Durum telum neceſſitas*; for behold that Army, that hath ſo often prevailed againſt the ſharpeſt weapons of their Enemies, fallen, and expiring in their honours, vanquiſht by this one poore dart of pretended neceſſity.

* Amongſt which Maſter *Goodwin* in his *Anti-cavalierisme* hath ſpoken, as plain and ſenſibly as any, *That it is a juſt Prerogative of Perſons of Kings to be ſecure from the violence of men in what cauſe ſoever; and their lives to be as conſecrated corn, meet to bee reaped and gathered one by the hand of God himſelfe:* with other words which may be ſeen in a monitory Letter ſent unto him by a learned, godly and worthy Knight, Sir Fra. Nethersole.

And yet this Act of theirs, that is ſo unwarrantable in it ſelfe, is made much more abominable, by the intention of it, which the iſſue diſcovers; for its evident it was to make a Party, to proceed to the depoſition and deſtruction of the King, if God prevent them not: A thing directly contrary to their ſworn Allegeance, to the Doctrine of the Church of *England*, to which they are alſo engaged by Proteſtation, to the conſtant Profeſſion of the Parliament in generall; their partakers in their Apologeticall Declarations, and * Books whereby they engaged many people in their quarrell, who will now deteſt the preſent Act, the more becauſe they have been made ſomewhat to contribute to it, by the former hypocriſie and preſent treachery of others. And this alſo heightens the injury of the Armies Act, that they ſhould exclude the Truſtees of ſo many Shieres, Cities and Burroughes, when a thing of ſo great a concernment to them, as the life of their King is to come in queſtion; is this juſtice? If their Truſtees be degenerate, ſhould they not have leave and time to have choſen other before ſuch a matter had been taken in hand? For that of *Aquinas* you cited to no purpoſe, *pag.* 15. will not take place here neither; for you confeſſe their choyce was good, but the men are degenerate. I may therefore

fore conclude, little reason had Mr *Goodwin* to conclude his Book with such hyperbolicall (that I say not blasphemous) 'flattery, *as to compare so sinfull an Act of the Army, to the 'sufferings of Jesus Christ to save a lost world &c.* But the conclusion sutes with the premises, both Popish; for its the manner of Papists to extoll their *assassinates*, so they doe it with a good intent *edificandi causa*, and *in case of necessity* to save the lives or prevent the ruines of many Catholike. And I now seriously propose it to Mr *Goodwin* and his Associates, Whether the necessity harpt upon, be any other then danger to a sort of people in the land, that out of pretended *new Light*, would live exempt from the ordinary and received rules of Government. Danger I say to such, lest they should meet with trouble, loose those preferments and that Ruledome that they draw, and many times usurp to themselves in Parliament, City, Countrey, by the Power of the sword intrusted to more Publike ends. If this be the necessity, as there be hints many, that it is: How much more suteable were it for men of conscience, not to disturb the Treaty for Peace, but interpose in it for their own Interest? And if they think exemption from the coercive Power of the civill sword in matters of Religion be a native Liberty of Christians: Let them desire it may be debated freely, before a free Parliament; and if we convince not the impiety and iniquity of it, let them carry it. If they fall short in that, yet whatever indulgence may bee consistent with duty to Truth, and the peace of the Church will never be denyed them. Oh! did any relenting appeare to procure return from those irregular wayes, how would all godly hearts imbrace them with joy, looking on them in their irregularities past, as men under a strong tentation, and with consideration that they also may be tempted. But if they bee resolved, that what they have usurpt they will hold, I hope I shall not, I am sure, I need not envie their *slippery places*; for when they have done *Gods whole work*, on those under their oppressive power, I am confident *God will visit the fruit of the great hearts of this aspiring Faction, and the glory of their high looks.* DEO GLORIA.

Jan. 13. 1648.

Imprimatur. Iam. Cranford.

FINIS.